



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,690	09/05/2003	Jing Wang	600.595US1	1718
21186	7590	03/22/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			SCHWARTZ, JORDAN MARC	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,690

Applicant(s)

WANG ET AL. 

Examiner

Jordan M. Schwartz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-68 is/are rejected.
- 7) ☒ Claim(s) 69 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

Applicant's election without traverse of Group II, claims 54-68 in the reply filed on January 13, 2005 is acknowledged. Newly presented claims 69-70 have been grouped together with Group II since they could be searched together with the Group II claims without providing an undue burden on the examiner.

Therefore, with the cancellation of claims 1-53 and 71, all pending claims, which are claims 54-70 have been examined herein.

Claim Objections

Claim 61 (and dependent claims 62-63) is objected to for the following reason. Since the intended meaning could be determined from what is set forth in the specification, a 112 rejection was not made but instead this lack of clarity issue has been set forth below in the following claim objection.

With respect to claim 61, applicant claims "a far-view region" having "a first of the desired power corrections" but has not specifically claimed that this "first of the desired power corrections" is for correcting far-view vision creating a lack of clarity. It is therefore not clear that the first far-view region is providing correcting for far-view objects (as is herein assumed for purposes of examination) and additional clarity is required. The same lack of clarity applies to the claimed "near-view region" (with the same assumption for purposes of examination). As a suggestion, applicant may want to claim "a far-view region where the one surface has a first of the desired power corrections which provides correction for far-view objects and the desired astigmatism correction; a near-view region where the

Art Unit: 2873

one surface has a second of the desired power corrections which provides correction for near-view objects and the desired astigmatism correction" to provide the required additional clarity.

Claims 69-70 are objected to because of the following informalities: these claims need to each end in a period in compliance with the MPEP. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 54-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Mukaiyama et al patent number 6,019,470.

Mukaiyama et al reads on these claims by disclosing the limitations therein including the following: an optical device (abstract); having multiple different magnifying powers and a desired astigmatism correction in the same optical surface (abstract, column 5, line 60 to column 6, line 2, column 6, lines 10-32); the device is a lens having a front and back surface (abstract, Figures 4a and 4b); the different magnifying powers lie in two different regions of the device (abstract, Figure 4a); the astigmatism in both regions is substantially the desired astigmatism correction (Figure 5); including a third region having magnifying powers between these two regions (column 9, lines 47-60); the astigmatism

Art Unit: 2873

outside of the two regions differs from the desired astigmatism correction (Figures 4a and 5); the lens as a progressive ophthalmic device (abstract, column 9, lines 47-60); the claimed surface as the back surface of the lens (Figure 4b, abstract, column 5, line 60 to column 6, line 2, column 6, lines 10-32); the lens comprising a far-view region where the one surface has a first of the desired power corrections which provides correction for far-view objects and the desired astigmatism correction (Figure 4a and 5, abstract, column 5, line 60 to column 6, line 2, column 6, lines 10-32); a near-view region where the one surface has a second of the desired power corrections which provides correction for near-view objects and the desired astigmatism correction (Figure 4a and 5, abstract, column 5, line 60 to column 6, line 2, column 6, lines 10-32); the lens further comprising a corridor between the far and near vision regions providing variable power (abstract, column 9, lines 47-60); the second surface having substantially no astigmatism (Figure 4b, abstract, column 9, line 65 with the second surface as a spherical surface). The lens of Mukaiyama et al will inherently have the maximum deviation of the total astigmatism in the lens not exceeding 75% of the difference in the magnifying powers, this being reasonably based upon the amount of astigmatism disclosed in the lens (Figure 5) and upon the disclosed average magnifying powers disclosed for the far and near distance regions (column 10, lines 19-34). Mukaiyama further discloses the lenses as ophthalmic spectacle lenses (column 1, line 7). The eyeglass lenses of Mukaiyama et al will inherently comprise a frame this being reasonably based upon eyeglass lenses requiring frames to hold them in place before the eyes of

Art Unit: 2873

the user. The eyeglasses lenses of Mukaiyama et al will inherently have both of the lenses each having the power and astigmatism in the same surface, this being reasonably based upon Mukaiyama et al disclosing the lenses for eyeglasses as stated above and not disclosing any differences between a left and right eye lens.

Claims 54-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Baudart et al patent number 6,382,789.

Baudart et al reads on these claims by disclosing the limitations therein including the following: an optical device (abstract); having multiple different magnifying powers and a desired astigmatism correction in the same optical surface (abstract, column 11, line 26 to column 12, line 31); the device is a lens having a front and back surface (abstract); the different magnifying powers lie in two different regions of the device (Figures 18-30, column 11, line 26 to column 12, line 31); the astigmatism in both regions is substantially the desired astigmatism correction (Figures 18-30); including a third region having magnifying powers between these two regions (Figures 18-30, column 11, line 26 to column 12, line 31); the astigmatism outside of the two regions differs from the desired astigmatism correction (Figures 18-30); the lens as a progressive ophthalmic device (abstract, column 11, line 26); the claimed surface as the back surface of the lens (column 11, line 26 to column 12, line 31); the lens comprising a far-view region where the one surface has a first of the desired power corrections which provides correction for far-view objects and the desired astigmatism correction and a near-view region where the one surface has a

Art Unit: 2873

second of the desired power corrections which provides correction for near-view objects and the desired astigmatism correction (Figures 18-30, column 11, line 26 to column 12, line 31); the lens further comprising a corridor between the far and near vision regions providing variable power (Figures 18-30, column 11, line 26 to column 12, line 31); the second surface having substantially no astigmatism (column 11, line 39 with the front surface disclosed as spherical); the total astigmatism in the lens not exceeding 75% of the difference in the magnifying powers (Figures 18-30, column 11, line 26 to column 12, line 31). Baudart et al further discloses the lenses as ophthalmic spectacle lenses (abstract). The ophthalmic spectacle lenses of Baudart et al will inherently comprise a frame this being reasonably based upon eyeglass lenses requiring frames to hold them in place before the eyes of the user. The eyeglasses lenses of Baudart et al will inherently have both of the lenses each having the power and astigmatism in the same surface, this being reasonably based upon Baudart et al disclosing the lenses for eyeglasses as stated above and not disclosing any differences between a left and right eye lens.

Prior Art Citations

Morris et al publication number 2004/0099972 (such as claims 1-4), Roffman et al patent number 6,802,606 (such as column 4, line 42), Shirayanagi publication number 2004/0008320 (such as paragraphs 0021-0033), and Roffman et al patent number 5,805,260 (such as the abstract and column 5, lines 18-35) are being cited herein to show optical devices that would have also read

Art Unit: 2873

on a number of the above rejected claims, however, such rejections would have been repetitive.

For applicant's information, due to the extreme broadness of many of the claims, numerous other references not cited herein could have also been used to read on a number of the above rejected claims, however, such rejections would have also been repetitive.

Allowable Subject Matter

Claims 69-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: with respect to the allowable subject matter, none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to claims 69-70, none of the prior art either alone or in combination disclose or teach of the claimed optical device specifically including, as the distinguishing features in combination with the other limitations, the claimed perturbations from the toric or atoric shape representing solutions to the equations substantially having the forms as set forth in claims 69-70.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number

Art Unit: 2873

is (571) 272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Schwartz', with a large, stylized loop at the end.

Jordan M. Schwartz
Primary Examiner
Art Unit 2873
March 21, 2005